



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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June 3, 1997
AO-97-10

Ms. Barbara Was
P.O. Box 201
Boxford, MA 01921

Re: Tri-town Citizens for Masconomet's Expansion

Dear Ms. Was:

This letter is in response to your May 7, 1997 request for an advisory opinion.

Facts

You have stated that the Tri-town Citizens for Masconomet's Expansion ("the Committee"), is a ballot question committee organized in the Town of Boxford. The Committee's statement of organization, filed in Boxford with copies filed in Middleton and Topsfield (the other towns in the district), specifies that the purpose of the committee is to support the passage of a Proposition 2 ½ override to finance the expansion and renovation of the Masconomet Regional Junior/Senior High School.

Each of the district's town meetings must approve the appropriation. In addition, the voters in each town must vote in favor of the override. The funding request has been divided into two parts: first, the design phase; second, the construction phase. The appropriation for the design phase of the project was approved in each town meeting, but was rejected in subsequent elections by voters in Middleton and Boxford. You anticipate the design phase being revisited in Middleton and Boxford this fall.

The appropriation needed to proceed with the construction phase will be sought through a Proposition 2 ½ override after approval of the design phase. You expect that the issue will be considered by each town's town meeting in approximately 18 months.

Questions

- (1) May the ballot question committee remain active to support override elections in the fall relating to the funding of the design phase?

- (2) May the ballot question committee remain active once the design phase funds are secured, in order to obtain support for eventual overrides relating to the construction phase?

Answers

The answer to both questions is "yes."

Discussion

A ballot question committee is a political committee "which receives or expends money or other things of value for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters . . ." See M.G.L. c. 55, sections 1 and 6B, (emphasis added). "Ongoing" ballot question committees are not generally contemplated by the campaign finance law. See M.G.L. c. 55, s. 18 (requiring ballot question committees to dispose of "residual funds" after the adoption or rejection of a question).

A ballot question committee may remain in existence to support or oppose more than one ballot question, however, if the questions are "specific and identifiable" and if such activity by the committee is consistent with the statement of purpose reflected on a committee's statement of organization. See AO-95-11, in which the office advised that a committee could remain in existence to support a question concerning payment for a feasibility study as well as a question six months later concerning payment for construction.

Response to Question 1

If the question a committee is organized to support is defeated, the committee may "remain in existence to support an identical or substantially identical question on the ballot in a future election unless the committee's statement of purpose otherwise limits its duration." See IB-92-02 (a copy of which is enclosed, for information).

The Committee's statement of organization did not limit the duration of the Committee to one attempt at obtaining the appropriation for the design work. Therefore, the Committee may remain in existence to support the fall campaign for the funds requested to accomplish the design phase of the project.

Response to Question 2

The design and construction phases of a particular construction project are integrally related. See AO-95-11. For that reason, a person contributing to the Committee may reasonably expect that the contributed funds would be used to support both phases of the project. In addition, support of separate ballot questions to design and construct the same construction

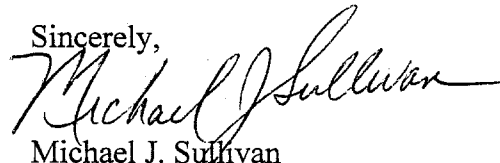
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project would be consistent with and within the scope of the purpose of the committee as described in the Committee's statement of organization. Compare AO-93-30 (in which the office advised that a committee organized in 1993 without stating its purpose could not remain in existence indefinitely to support Proposition 2 ½ override questions).

This opinion is provided on the basis of representations in your letter and in your conversations with OCPF staff, and is issued solely within the context of the campaign finance law.

I encourage you to contact us in the future if you have further questions.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan".

Michael J. Sullivan
Director

MJS/cp
Enclosure